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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JUAN CARLOS ESPARZA-PEREZ, and
16 MARTIN PEREZ-VILLALOBOS,

17 Defendants.
18

No. CR 06-0667 MHP

MOTION AND FILING SCHEDULE
STIPULATION AND
~~PROPOSED ORDER~~ SETTING
MOTION HEARING DATE

19
20 1. The parties stipulated and agreed prior to the December 11, 2007, motion hearing that
21 because the defense has moved for additional and possible Giglio discovery, primarily an
22 immigration file of a potential witness, that the matter should be continued set for a hearing on a
23 motion to suppress on January 17, 2008 at 9 a.m. The government shall file its response to the
24 discovery motion by December 21, 2007; if the government will no provide the requested
25 discovery without court order, and the defendants will reply by December 28, 2007. The parties
26 further stipulated and agreed that the ends of justice are served by the Court granting the above
27 schedule so that all counsel continuity is maintained, and all counsel can research and prepare
28 their motion and their arguments. All parties ask that the Court find that this interest of justice

MOTION

1 outweighs the interest of the public and the defendants in a speedy trial, in accordance with Title
2 18, Sections 3161(h)(1)(I) and (8)(A), and B(iv),.

3 2. Accordingly, the United States and the defendants ask the Court to order that the time
4 from December 11, 2007 to January 17, 2008, be excluded under the Speedy Trial Act.

5
6 DATED: December 7, 2007.

7 Respectfully submitted,

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9 SCOTT N. SCHOOLS
10 United States Attorney

11 _____ /s/
12 C. DAVID HALL
13 Assistant United States Attorney

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15 _____ /s/
16 STEVEN TEISH
17 Attorney for Mr. Esparza-Perez

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19 _____ /s/
20 MICHAEL HINCKLEY
21 Attorney for Mr. Perez-Villalobos

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0667 MHP
Plaintiff,)	
v.)	
JUAN CARLOS ESPARZA-PEREZ, and)	(PROPOSED) ORDER
MARTIN PEREZ-VILLALOBOS,)	
Defendants.)	

GOOD CAUSE APPEARING, the Court finds that:

1. The ends of justice are served by the granting of the proposed filing schedule and hearing date of January 17, 2007 at 9 a.m.. The Court finds that such continuance is necessary so that the parties so that continuity of counsel is maintained, and counsel can prepare. This outweighs the interest of the public and the defendants in a speedy trial, in accordance with 18 U.S.C. §3161(h)(8)(A), (B)(iv). There also is a plea agreement that must be considered by the Court. Title 18, Section 3161(h)(1)(I).

2. The Court therefore finds the period from December 11, 2007, to January 17, 2008, is
[PROPOSED] ORDER

1 excluded from speedy trial calculations within the meaning of 18, U.S.C., Sections 3161(h)(1)(I)
2 and 3161(h)(8), subsections (A) and (B)(iv).

3
4 SO ORDERED.

5
6 DATED: 12/7, 2007

